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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

TOM FORESE – Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD W. DUNN

JUN 5 2017

DOCKETED BY

In the matter of:

JACOB WOHL, a single man,

MATTHEW JOHNSON, a single man,

WOHL CAPITAL INVESTMENT GROUP, LLC, a
California limited liability company,

NEX CAPITAL MANAGEMENT, LLC, a Delaware
limited liability company, and

MONTGOMERY ASSETS, INC., a Wyoming
corporation,

Respondents.

DOCKET NO. S-20986A-16-03

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PROCEDURAL ORDER
(Schedules a Pre-Hearing Conference)

BY THE COMMISSION:

On September 27, 2016, the Securities Division (“Division”) of the Arizona Corporation Commission (“Commission”) filed its Temporary Order to Cease and Desist and Notice of Opportunity for Hearing (“Notice”) against Jacob Wohl, a single man, Matthew Johnson, a single man, Wohl Capital Investment Group, LLC, a California limited liability company, NeX Capital Management, LLC, a Delaware limited liability company, and Montgomery Assets, Inc., a Wyoming corporation (collectively “Respondents”), in which the Division alleged violations of A.R.S. §§ 44-1801, *et seq.*, the Arizona Securities Act (“Securities Act”), and A.R.S. §§ 44-3101, *et seq.*, the Investment Management Act (“IM Act”), in connection with the offer and sale of securities in the form of promissory notes, investment contracts and/or loan agreements.

On February 28, 2017, the Division filed its Memorandum and Proposed Order to Cease and Desist, Order for Restitution, and Order for Administrative Penalties (“Proposed Order”).

1 On March 9, 2017, Respondent Wohl sent an email to the Division requesting a hearing.¹

2 Also on March 9, 2017, the Division filed its Request for Pre-Hearing Conference. The
3 Division asked that the pre-hearing conference be scheduled to determine whether Respondent Wohl's
4 request for a hearing should be granted or denied.

5 On March 14, 2017, by Procedural Order, a pre-hearing conference was scheduled to commence
6 on March 28, 2017.

7 On March 27, 2017, the Division filed an email exchange between the Division and Respondent
8 Wohl in which Respondent Wohl stated he "will appear at tomorrow's hearing via telephone"
9 ("Request").

10 Also on March 27, 2017, by Procedural Order, Respondent Wohl's Request was granted.

11 On March 28, 2017, the pre-hearing conference was held as scheduled. The Division appeared
12 through counsel. Respondent Wohl appeared *pro per* via telephone. Respondent Johnson did not
13 appear. The Division opposed Respondent Wohl's request for a hearing, and this issue was taken under
14 advisement. The scheduling of a hearing was discussed in the event the matter proceeds to hearing.
15 Furthermore, the Division requested that the schedule include a deadline for Respondents to file their
16 Answers.

17 On March 31, 2017, by Procedural Order, a hearing was scheduled to commence on June 26,
18 2017.

19 On April 4, 2017, Respondent Johnson sent an email to the Division requesting a hearing.²

20 On April 6, 2017, by Procedural Order, the hearing scheduled for June 26, 2017, was affirmed.

21 On May 26, 2017, Respondents filed a letter requesting the hearing be continued to the week
22 of July 24, 2017, and that the exchange of Witness Lists and Exhibits take place on June 26, 2017.

23 On May 31, 2017, the Division filed a Response to the request for continuance stating it did not
24 object to continuing the hearing to the week of July 24, 2017, and the deadline for the exchange of
25 Witness Lists and Exhibits to June 26, 2017. The Division requested that a prehearing conference be
26 set to identify dates agreeable to the Court and all parties.

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28 ¹ The email was also filed in this docket on March 9, 2017.

² The email was also filed in this docket on April 4, 2017.

1 Accordingly, a pre-hearing conference should be scheduled.

2 IT IS THEREFORE ORDERED that a pre-hearing conference in this matter **shall be held**
3 **commencing on June 15, 2017, at 10:00 a.m., at the Commission's offices, 1200 West Washington**
4 **Street, Phoenix, Arizona.**

5 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**
6 **Order Regarding Consent to Email Service** issued in this matter on **March 14, 2017**, for additional
7 information regarding the process to consent to service by email. Information regarding Consent to
8 Email Service is also available on the Commission's website (www.azcc.gov) by clicking on "Email
9 Service Consent."

10 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
11 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
13 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
14 in this matter is final and non-appealable.

15 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
16 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
17 hearing.

18 DATED this 5 day of June, 2017.

19
20 
21 BRIAN D. SCHNEIDER
22 ADMINISTRATIVE LAW JUDGE
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On this 5th day of June, 2017, the foregoing document was filed with Docket Control as a Procedural Order – Schedules a Pre-Hearing Conference, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

Jacob Wohl
1987 Crystal Downs Dr.
Corona, CA 92883

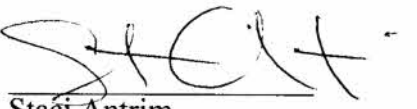
Matthew Johnson
730 W. Doran St.
Apt. 207
Glendale, CA 91203

Matthew Neubert, Director
Securities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007
SecDivServicebyEmail@azcc.gov

Consented to Service by Email

COASH & COASH, INC.
Court Reporting, Video and
Videoconferencing
1802 North 7th Street
Phoenix, AZ 85006
Not a party, mailed as a courtesy

By:


Staci Antrim
Assistant to Brian D. Schneider